

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

AMAZIN' RAISINS INTERNATIONAL, INC.  
an Ontario, Canada corporation,

Plaintiff,

V.

OCEAN SPRAY CRANBERRIES, INC.,  
a Delaware corporation,

Defendant.

Civ. Action No. 04-12679-MLW

**MOTION TO IMPOUND DOCUMENTS RELATING  
TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT OF NONINFRINGEMENT**

Pursuant to Local Rule 7.2 and the Protective Order entered in this case, Plaintiff Amazin' Raisins International, Inc. ("ARI") hereby moves the Court to allow ARI to file the unredacted version of Plaintiff's Brief in Support of Its Opposition to Defendant's Motion for Summary Judgment, and Exhibits 2, 3 and 10, under seal.

As grounds for this Motion, ARI states that the above-referenced exhibits are comprised of documents that have been designated “Confidential” by Defendant Ocean Spray Cranberries, Inc. (“Ocean Spray”). Likewise, Plaintiff’s Brief in Support of Its Opposition to Defendant’s Motion for Summary Judgment of Noninfringement contains quotations taken from the deposition transcripts of two Ocean Spray employees (which transcripts correspond to Exhibits 2 and 3). Ocean Spray designated the transcripts of the depositions of its employees, in their entirety, “Confidential.” Pursuant to the terms of the Protective Order, Plaintiff is required to file under seal any document designated by Plaintiff as “Confidential.” Consequently, ARI has been

forced to file a redacted version of its brief and is currently unable to file Exhibits 2, 3, or 10 with the Court.

While ARI fails to appreciate how Exhibits 2, 3, and 10 and the cited deposition testimony contain any confidential information, Ocean Spray refused to permit ARI to file these documents publicly (or to remove the designation). Consequently, ARI has been left with no choice but to heed Ocean Spray's instructions and follow the terms of the Protective Order. Accordingly, in light of Ocean Spray's "Confidential" designation, ARI respectfully requests that the unredacted version of Plaintiff's Brief in Support of Its Opposition to Defendant's Motion for Summary Judgment and Exhibits 2, 3, and 10 be filed under seal and treated as "Confidential" pursuant to the terms of the Protective Order.

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Motion to Impound, which Order shall remain in effect until further Order of the Court.

Dated: February 10, 2006

By: s/Todd S. Werner

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**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I certify that I spoke to Defendant's counsel on Friday, February 10, 2006, in an attempt to eliminate the need to file this motion for impoundment. Despite ARI's request for Ocean Spray to remove the confidential designation of information in question, Ocean Spray refused to do so. As a result, ARI was required to file this motion.

s/Todd S. Werner